ORDER

Issue rule in all the petitions.

In W.P. No. 805/93 notice on the application for interim stay as well as on the application for production of the documents. Until further orders, to ensure smooth and effective working of the Commission and also to avoid confusion both in the administration as well as in the electoral process, we direct that the Chief Election Commissioner shall remain in complete overall control of the Commission's work. He may ascertain the views of other Commissioners or such of them as he chooses, on the issues that may come up before the Commission from time to time. However, he will not be bound by their views. It is also made clear that the Chief Election Commissioner alone will be entitled to issue instructions to the Commission's staff as well as to the outside agencies and that no other Commissioner will issue such instructions.

High Court Bench at Rajkot

76. SHRIMATI CHANDRIKA ABHINANDAN JAIN: Will the PRIME MINISTER be pleased to state:

(a) whether there is any proposal to set up and establish bench at Rajkot High Court of Gujarat to cover Saurashtra-Kachh region;

(b) whether any memorandum/representation has so far been received by the Government from the Bar-Association to dispose of piled up High Court cases at local level and curail administrative expenses and avoid public hardship; and

(c) the exact details of total cases registered and transferred from Saurashtra & Kachh region to High Court Ahmedabad during the last one decade and which are still pending for hearing and clearance?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) Representations have been received from time to time for establishment of Benches of Gujarat High Court for Saurashtra region. However, no proposal has been received from the Government of Gujarat, in consultation with the Chief Justice of Gujarat High Court, in this regard. No action is taken by the Central Government unless such a proposal has been received.

(c) The seat of High Court for Gujarat is Ahmedabad only as such the question of transfer of cases from Saurashtra and Kuchh to High Court at Ahmedabad does not arise.

77. [*Transferred to 8th December*, 1993]

Lok Adalats in rural areas

78. SHRI RAJUBHAI A. PARMAR: Will the PRIME MINISTER be pleased to state:

(a) whether Government propose to start Lok Adalats in rural areas on large scale;

(b) if so, whehter any directive has been prepared by Government for Gujarat in this regard; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) Lok Adalats are organised by State Legal Aid & Advice Boards both in rural and urban areas. It has always been the efforts of Committee for Implementing legal Aid Schemes (CILAS) to intensify the holding of Lok Adalats and other Legal Aid Programmes in rural areas. This is impressed upon the State Legal Aid & Advice Boards by the Executive Chairman, CILAS as and when he happens to visit these States.

(b) and (c) In view of reply to part (a) above, the Question does not arise.

Details of appointment of judges in the High Court and Supreme Court

79. SHRI CHIMANBHAI HARIBHAI SHUKLA: Will the PRIME MINISTER be pleased to state:

(a) what are the names of judges of High Courts and Supreme Court appointed during the years 1990 and 1991 on the advice of the Chief Justice of India;

(b) what are the details of cases in which the advice of the Chief Justice of India had not been followed by the Government if so, the reasons therefor in each case;

(c) what steps the Government have taken to avoid any conflict between the Judiciary and the Executive in the matters relating to appointment of Judges of the Supreme Court and appointment and transfer of Judges of High Courts;

(d) whether it is a fact that guidelines have been issued in this regard; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) The names of Judges of High Courts and the Supreme Courts, appointed on the advice of the Chief Justice of India (CJI) during the years 1990 and 1991, are given in Statements I, II and III respectively (*See* below). The Constitution requires the President to consult, besides the CJI also the Governor of the State and the Chief Justice of the High Court concerned. Taking into account the recommendations and advice of all constitutional authorities, positive recommendation of the CJI for appointments could not be agreed to in 9 cases since November, 1990, after the consultative process was revised and brought in line with the judgement pronounced on 26-10-1990, by the Supreme Court in the case of Subhash Sharma and others vs Union of India. Only in one case the appointment was made otherwise than on the recommendation of the CJI.

(c) to (e) The question of conflict does not arise. For appointments in future the Supreme Court has prescribed certain guidelines vide their judgement dated 6-10-1993, in writ Petition (Civil) No. 1303 of 1987—Supreme Court Advocates-on-Record Association & Anr vs Union of India.

Statement-I

Names of Judges of the High Court and the Supreme Court appointed during the year 1990

(Year 1990)

Sr.	Name of Judges	Name of High Court
1	N.P. Chapalgaonker	Bombay
2	M. Maruthamuthu	Madras
3	S. Govindasamy	Madras
4	P.L.N. Sarma	Andhra Pradesh
5	J.E. Parsad	,,
6	S.P. Rao	,,
7	P.V. Reddi	,,
8	M.R. Reddy	,,
9	I.P. Rao	,,
10	K. Swamiduari	Madras
11	T. Somasundaram	Madras
12	J. Kanakaraj	Madras
13	G.P. Shivaprakash	Karnataka
14	S.V. Patil	,,
15	N.Y. Hanumauthappa	,,
16	B.N.L. Krishnan	,,
17	N.D.V. Bhat	,,
18	M.M. Ali Mirdhe	,,
19	R.R. Krishna	,,
20	B.J. Hagde	,,
21	K.J. Shetty	,,
22	Doraiswamy Raju	Madras
23	N. Arumugham	Madras
24	A. Lakshmanan	,,
25	A.S. Mehra	Punjab and Haryana
26	R.S. Mongia	,,
27	Ashok Bhan	,,
28	G.S. Chahal	,,
29	C.V. Jani	Gujarat
30	C.K. Thakkar	,,
31	B.C. Patel	,,
32	K.C. Shah	,,
33	N.J. Pandya	,,
34	S.D. Dave	,,
35	J.N. Bhatt	,,
36	Devinder Gupta	Himachal Pradesh
37	Kamlesh Sharma	,,
38	D.P. Sood	,,

Statement I—contd.

Sr. No.	Name of Judges	Name of High Court
39	R.B. Mehrotra	Allahabad
40	G.B. Mathur	,,
41	V.N. Mehrotra	,,
42	Krishna Narayan	,,
43	J.K. Mathur	,,
44	K.C. Bhargva	,,
45	Surya Prasad	,,
46	Nagendra Rai	Patna
47	Sachchidanandjha	,,
48	Indu Prabha Singh	,,
49	Om Prakash	,,
50	D.P. Sinha	,,
51	R.N. Sahay	,,
52	N.P. Singh	,,
53	Arun Kumar	Delhi
54	M.L. Verma	,,
55	A.D. Singh	,,
56	Jaspal Singh	,,
57	Usha Mehra	,,
58	S.C. Jain	,,
59	M.S. Vaidya	Bombay
60	S.M. Soni	Gujarat
61	R.K. Abichandani	,,
62	R.S. Kejrewall	Rajasthan
63	B.R. Arora	,,
64	N.L. Tirbrewal	,,
65	N.K. Jain	,,
66	M.R. Calla	,,
67	G.S. Singhvi	,,
68	Y.R. Meena	,,
69	P.P. Gupta	Allahabad
70	R.N. Parsad	Patna
71	G.C. Bharuka	,,
72	S.K. Singh	,,
73	Aftab Alam	,,
74	K.L. Issrani	Madhya Pradesh
75	S. Dwivedi	,,
76	V.S. Kokje	,,
77	R.D. Shukla	,,
78	S.K. Chawla	,,
79	P.N.S. Chouhan	,,
80	D.R. Dhanuka	Bombay
81	A.V. Samant	,,
82	E.D.S. Desilva	Bombay
83	S.M. Jhunjhunwala	,,
84	B.N. Shrikrishana	,,
85	M.F. Saladanha	,,
86	G.D. Patil	,,
87	R.K. Aggarawal	Allahabad
88	Ruma Pal	Calcutta
89	T. Chaterjee	,,
90	A.N. Ray	,,
91	Altamas Kabir	,,
92	A.K. Bhattacharaji	,,
93	G.R. Bhattacharjee	,,
94	S.C. Verma	Allahabad
95	N.L. Ganguly	,,
96	R.R.K. Trivedi	,,
97	S.K. Mohanty	Orissa
98	S.S. Dani	Bombay
99	A.B. Murgod	Karnataka
100	V.K. Gupta	Jammu and Kashmir
101	B.A. Khan	,,
102	Y.B. Bhatt	Gujarat
103	D.G. Karia	,,
104	S.D. Shah	,,
105	K.R. Vyas	,,
106	R.D. Vyas	,,
107	B.J. Shethana	,,
108	J.M. Panchal	,,
109	M.S. Parikh	,,
110	A.N. Divecha	,,
111	A. Thangamani	Madras
112	S. Pratap Singh	Madras
113	M.W. Deo	Madhya Pradesh

Statement-II

Names of Judges of the High Court and the Supreme Court appointed during the year 1991

(yeor-1991)

S. No.	Name of Judges	Name of High Court
1	D.M. Patnaik	Orissa
2	B.N. Dash	Orissa
3	Ali Mohamad Mir	Jammu and Kashmir

Sr. No.	Name of Judges	Name of High Court
4	B. Dikshit	Allahabad
5	S. Singh	,,
6	K.M. Panday	,,
7	P.S. Patankar	Bombay
8	H.S. Brar	Punjab and Haryana
9	J.L. Gupta	,,
10	N.K. Kapoor	,,
11	G.C. Garga	,,
12	N.K. Sodhi	,,
13	V.K. Balli	,,
14	K. Jhanji	,,
15	H.S. Bedi	,,
16	B.S. Nehra	,,
17	H.K. Sandhu	,,
18	C.M. Nayar	Delhi
19	J.K. Mehra	,,
20	D.C. Bhandari	,,
21	Satpal	,,
22	D.K. Jain	,,
23	M. Shamim	,,
24	K.K. Usha	Kerala
25	C. Shivappa	Karnataka
26	L.S. Panta	Himachal Pradesh
27	S.K. Chattopadhyaya	Patna
28	A.N. Chaturvedi	,,
29	N.D. Vyas	Bombay
30	S.H. Kapadia	,,
31	M.L. Kaul	Jammu and Kashmir
32	A.Q. Parray	,,
33	V.K. Singhal	Rajasthan
34	R. Balia	,,
35	R.P. Saxena	,,
36	D.N. Baruah	Gauhati
37	S.B. Roy	,,
38	N.G. Das	,,
39	A.G. Rao	Andhra Pradesh
40	B.S. Reddy	Andhra Pradesh
41	B.C. Saksena	Allahabad
42	K. Singh	,,
43	S.P. Shrivastava	,,
44	V. Bahuguna	,,
45	S. Dikshit	Allahabad
46	A.B. Shrivatava	,,
47	K. Sharma	,,
48	A.P. Singh	,,
49	M. Katju	,,
50	C.S. Mishra	Patna
51	R.M. Prasad	,,
52	N. Roy	,,
53	S. Ahsan	,,
54	A. Das	,,
55	R.V. Vasavthakumar	Karnataka
56	L.S. Reeddy	,,

Statement-III

List of Judges of the Supreme Court Appointed during 1990 *and* 1991

Sl. No.	Name of Judge	Year
1	Shri Justice K.J. Reddy	1990
2	Shri Justice S.C. Agarwal	1990
3	Shri Justice R.M. Sahai	1990
4	Shri Justice Yogeshwar Dayal	1991
5	Shri Justice S. Mohan	1991
6	Shri Justice B.P. Jeevan Reddy	1991
7	Shri Justice G.N. Ray	1991
8	Shri Justice A.S. Anand	1991
9	Shri Justice R.C. Patnaik	1991

Financial aid for free legal Aid

80. **SHRI DILIP SINGH JUDEV**: Will the **PRIME MINISTER** be pleased to state :

(a) the amount earmarked by Government towards Free Legal Aid to the poor and economically weaker sections of society during each of last five years and its utilisation particularly in Madhya Pradesh district-wise ;

(b) the reasons for not utilising these funds by some State Government State-wise and ;